

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

NOKIA CORPORATION and	)	
NOKIA, INC.,	)	C. A. No. 05-16-JJF
Plaintiffs,	)	
v.	)	<b>JURY TRIAL DEMANDED</b>
INTERDIGITAL COMMUNICATIONS	)	<b>PUBLIC VERSION</b>
CORPORATION and INTERDIGITAL	)	
TECHNOLOGY CORPORATION,	)	
Defendants.	)	

**DECLARATION OF RICHARD S. ZEMBEK**

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*Attorneys for Defendants,  
InterDigital Communications Corporation and  
InterDigital Technology Corporation*

Dated: February 21, 2007  
Public Version Dated: March 1, 2007  
780497 / 28840

In accordance with 28 U.S.C. § 1746, I, Richard S. Zembek, declare as follows:

1. My name is Richard S. Zembek. I am over eighteen years of age, have never been convicted of a felony or crime of moral turpitude, and am fully competent to make this declaration.
2. I am co-counsel of record for Defendants InterDigital Communications Corporation and InterDigital Technology Corporation in the above-captioned case. I am able to state the following facts based upon personal knowledge, and the following facts stated herein are, in all things, true and correct.
3. Attached as Exhibit "A" to the Opening Brief in Support of Defendants' Motion to Dismiss First Amended Complaint Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), and 12(h)(3) is a true and correct copy of Plaintiffs' Statement Pursuant to First Discovery Order (without attachments).
4. Attached as Exhibit "B" to the Opening Brief in Support of Defendants' Motion to Dismiss First Amended Complaint Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), and 12(h)(3) is a true and correct copy of excerpts from the transcript of the November 2, 2006 hearing held in this case.
5. Attached as Exhibit "C" to the Opening Brief in Support of Defendants' Motion to Dismiss First Amended Complaint Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), and 12(h)(3) is a true and correct copy of Defendants' First Set of Interrogatories to Plaintiffs.
6. Attached as Exhibit "D" to the Opening Brief in Support of Defendants' Motion to Dismiss First Amended Complaint Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), and 12(h)(3) is a true and correct copy of Plaintiffs' Statement Pursuant to Second Discovery Order (without attachments).
7. Attached as Exhibit "E" to the Opening Brief in Support of Defendants' Motion to Dismiss First Amended Complaint Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), and 12(h)(3) is [REDACTED]
8. Attached as Exhibit "F" to the Opening Brief in Support of Defendants' Motion to Dismiss First Amended Complaint Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), and 12(h)(3) is a true and correct copy of a printout of <http://www.3gpp.org/about/about.htm>.

9. Attached as Exhibit "G" to the Opening Brief in Support of Defendants' Motion to Dismiss First Amended Complaint Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), and 12(h)(3) is a true and correct copy of a printout of <http://www.3gpp.org/legal/legal.htm>.
10. Attached as Exhibit "H" to the Opening Brief in Support of Defendants' Motion to Dismiss First Amended Complaint Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), and 12(h)(3) is [REDACTED]
11. Attached as Exhibit "I" to the Opening Brief in Support of Defendants' Motion to Dismiss First Amended Complaint Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), and 12(h)(3) is [REDACTED]
12. Attached as Exhibit "J" to the Opening Brief in Support of Defendants' Motion to Dismiss First Amended Complaint Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), and 12(h)(3) is a true and correct copy of a printout of results of a search run on the ETSI IPR database based on the "selected by" criteria set forth on page 1 of the printout.
13. Attached as Exhibit "K" to the Opening Brief in Support of Defendants' Motion to Dismiss First Amended Complaint Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), and 12(h)(3) is a true and correct copy of a printout of results of a search run on the ETSI IPR database based on the "selected by" criteria set forth on page 1 of the printout.
14. Attached as Exhibit "L" to the Opening Brief in Support of Defendants' Motion to Dismiss First Amended Complaint Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), and 12(h)(3) is a true and correct copy of Ulla James' "Nokia IPR Landscape" (Nokia Technology Media Briefing / October 3-4, 2006).
15. Attached as Exhibit "M" to the Opening Brief in Support of Defendants' Motion to Dismiss First Amended Complaint Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), and 12(h)(3) is a true and correct copy of David J. Goodman and Robert A. Myers' "3G Cellular Standards and Patents" (IEEE WirelessCom) (June 13, 2005).

16. Attached as Exhibit "N" to the Opening Brief in Support of Defendants' Motion to Dismiss First Amended Complaint Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), and 12(h)(3) is a true and correct copy of Qualcomm's "London Investor Day" (November 13, 2006).
17. Attached as Exhibit "O" to the Opening Brief in Support of Defendants' Motion to Dismiss First Amended Complaint Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), and 12(h)(3) is [REDACTED]
18. Attached as Exhibit "P" to the Opening Brief in Support of Defendants' Motion to Dismiss First Amended Complaint Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), and 12(h)(3) is [REDACTED]
19. Attached as Exhibit "Q" to the Opening Brief in Support of Defendants' Motion to Dismiss First Amended Complaint Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), and 12(h)(3) is a true and correct copy of InterDigital Technology Corporation's ETSI "IPR Information Statement and Licensing Declaration."
20. Attached as Exhibits "R", "S" and "T" are unreported cases cited in the accompanying brief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 21, 2007.

/s/ Richard Zembek  
Richard Zembek

Public Version Dated: March 1, 2007  
780497 / 28840

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FOR THE DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on March 1, 2007, the attached document was hand delivered to the following person(s) and was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading:

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I hereby certify that on March 1, 2007, I have Electronically Mailed the documents to the following:

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